

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6319 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SARDARKHA MAHMADKHA GHORI

Versus

STATE OF GUJARAT

Appearance:

MRS DT SHAH for Petitioner

MR. KC SHAH, A.G.P., for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 30/09/96

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr. K.C. Shah,
learned A.G.P. for the State.

2. The petitioner has inter-alia prayed for quashing
and setting aside the order dated 31.7.1996 rendered by
the revisional Authority.

3. The short grievance of the petitioner is that the said revision Application has been rejected without affording an opportunity of hearing to the petitioner and the impugned order has been passed ex-parte. The reason why the petitioner could not remain present is that very communication of intimation of date was received by the petitioner on the day on which the hearing was to take place. In the facts and circumstances of the case, therefore, the impugned decision dated 31.7.1996 (Annexure : H) shall have to be quashed and set aside. Order accordingly. It is, therefore, directed that the Revision Application shall be decided in accordance with law after giving opportunity of hearing to the petitioner as expeditiously as possible. Rule made absolute in the aforesaid terms. No order as to costs.

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